

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kenton T. Davis *et al.*

Continuation of Appl. No. 09/288,622

Filed: May 24, 2001

For: Element Management System for  
Heterogeneous Telecommunications  
Network

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Atty. Docket: 25220.411A-US02

10-986 U.S. PTO  
09/288,622  
05/24/01  
#4  
12-13-01

**Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p).
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- ☐ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☒ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. 09/288,622, filed April 9, 1999, which is directed to related technical subject

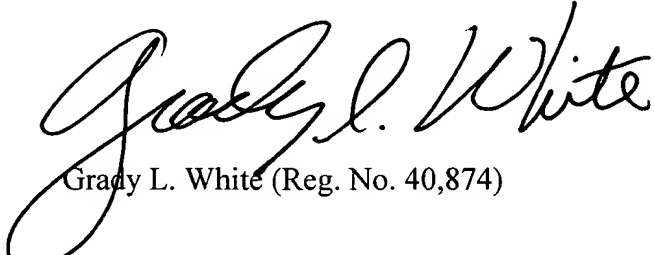
matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application No. 09/288,622, filed April 9, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0740 referencing docket number 25220.411A-US02.

Respectfully submitted,

  
Grady L. White (Reg. No. 40,874)

Date: May 24, 2001

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| Substitute for form 1449A/PTO<br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br><i>(use as many sheets as necessary)</i> |   | <b>Complete if Known</b> |                               |
|   |   | Application Number       | Continuation of 09/288,622    |
|   |   | Filing Date              | May 24, 2001                  |
|   |   | First Named Inventor     | Kenton T. Davis <i>et al.</i> |
|   |   | Group Art Unit           | N/A                           |
|   |   | Examiner Name            | Not Yet Assigned              |
|   |   | Attorney Docket Number   | 25220.411A-US02               |
| Sheet   | 2 | of                       | 3                             |

| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS |                       |  |                |
|---|-----------------------|--|----------------|
| Examiner Initials                                 | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|   | E                     | "HP Open View Element Management Framework," Hewlett Packard Open View Telecom Division Marketing - June 1997.   |                |
|   | F                     | "Technical Evaluation Guide, Hewlett-Packard Open View GDMO Modeling Toolkit," 1997 Hewlett-Packard Company.   |                |
|   | G                     | "TMN Technical Evaluation Guide," HP Open View Telecom, Edition 1, Hewlett-Packard Company, Nov. 17, 1997.   |                |
|   | H                     | "A Survey of Market Trends and Competitor deployments in OSI Network Management," Bill Dudley, Supervisory Systems Department, Network Management Division, NEC America, Inc., September 1996.   |                |
|   | I                     | "Technical Evaluation Guide, Hewlett-Packard Open View Managed Object Toolkit," Copyright October 4, 1996, Hewlett-Packard Company.  |                |
|   | J                     | "Technical Overview, HP Open View Telecom, DM TMN Version 5.03, CORBA Version 5.1," Copyright 1998, Hewlett-Packard Company.   |                |
|   | K                     | "Technical Evaluation Guide, HP Open View Element Management Framework," Copyright 1997 Hewlett-Packard Company.   |                |
|   | L                     | "Integrated Transport Management Releases the Power of Your Optical Network," Copyright 1998 Lucent Technologies.  |                |
|   | M                     | "HP Open View Telecom SmartService," Copyright 1997 Hewlett-Packard Company.   |                |
|   | N                     | "HP Open View Telecom Event Correlation Service (ECS) for Telecom Management Applications," Copyright 1997, Hewlett-Packard Company.   |                |
|   | O                     | "HP Open View Telecom Platforms, Developer Kits and Platforms for Telecom Management Applications," Copyright 1997, Hewlett-Packard Company.   |                |
|   | P                     | "HP Open View Telecom TMN Designer, Rapid and Dynamic Information Modeling and Prototyping," Copyright 1998 Hewlett-Packard Company.   |                |
|   | Q                     | "HP Open View Telecom TMN Manager, HP Open View Telecom TMN Agent, Developer and Runtime Platforms for Manager and Agent Applications," Copyright 1998 Hewlett-Packard Company.  |                |
|   | R                     | "HP Open View Telecom TMN Proxy, Developer and Runtime Platforms for Dynamically Configurable TL1-toQ3 Adaption Applications," Copyright 1998 Hewlett-Packard Company.   |                |
|   | S                     | "HP Open View Telecom ISV Partner Program," Copyright 1997 Hewlett-Packard Company.  |                |
|   | T                     | "HP Open View Element Management Framework for New Wireline Networks," Copyright 1996 Hewlett-Packard Company.   |                |
|   | U                     | "Automated business interconnection," February 9, 1998 edition of Telephony.   |                |
|   | V                     | "Operations overall," October 13, 1997 edition of Telephony.   |                |
|   | W                     | "Speeding Services to Market," D. Francisco de Miguelsanz Puelles, November 1997 edition of Telecommunications.  |                |
|   | X                     | "Network management," Todd Goldman, November 1997 edition of Global Telephony.   |                |
|   | Y                     | "In Pursuant of the Optimal Network; How can a progressive telco fine tune its network to improve customer services?," Jukka Rantala, November 1997 edition of   |                |

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|   |   |           |   | <b>Application Number</b>     | Continuation of 09/288,622    |
|   |   |           |   | <b>Filing Date</b>            | May 24, 2001                  |
|   |   |           |   | <b>First Named Inventor</b>   | Kenton T. Davis <i>et al.</i> |
|   |   |           |   | <b>Group Art Unit</b>         | N/A                           |
|   |   |           |   | <b>Examiner Name</b>          | Not Yet Assigned              |
| <b>Sheet</b>  | 3 | <b>of</b> | 3 | <b>Attorney Docket Number</b> | 25220.411A-US02               |

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|--|----|--|--|
|  |    | Telecommunications.  |  |
|  | Z  | "Bull: The Secret is Out," Sean Gallagher, March 9, 1998 edition of Information Week.  |  |
|  | AA | Bull HN Information Systems Inc.'s proposal for "A TMN Compliant Network Management System" for Pathnet, Inc., March 23, 1998. |  |
|  | AB | "Proposal to Pathnet for Network Management Solution," Digital Equipment Corporation, April 1998.                              |  |
|  | AC | "HP Open View Element Management Framework for Wireless Networks," Copyright 1996 Hewlett Packard Company.                     |  |
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|-------------------------------|--|----------------------------|--|
| <b>Examiner<br/>Signature</b> |  | <b>Date<br/>Considered</b> |  |
|-------------------------------|--|----------------------------|--|

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<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached

